

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Nicole Johns, *individually and as Trustee
for the Next-of-Kin of Joseph Fairbanks
Jr., Deceased,*

Case No. 24-CV-01892 (JMB/LIB)

Plaintiff,

ORDER OF DISMISSAL

v.

United States of America; United States
Department of Interior; Indian Bureau of
Affairs; Brent Pemberton, Jr.; Delwyn
English; Joshua Gutierrez; Bryant Siekas;
Anthony Beaulieu; Tyler Neadeau;
Sierrajen Essert; Jon Schoenborn; Jimmy
Fineday; William Strong; Bradley Barrett;
Charles Martin; Justice Desjarlait; Danelle
Nelson; Dorian Prentice; and John Does 1–
5;

Defendants.

This matter is before the Court on a document filed by Plaintiff Nicole Johns and Defendants United States of America, United States Department of Interior (DOI), and the Bureau of Indian Affairs (BIA)¹ (together, Defendants) that is styled as a Joint Motion to Dismiss under Federal Rule of Civil Procedure 41(a)(2). (Doc. No. 18.) In the document, Johns and the Defendants express their wishes to dismiss Counts I through II of the

¹ The BIA is referred to in the Complaint as the Indian Bureau of Affairs. It will be referred to as Bureau of Indian Affairs throughout this Order.

Complaint (Doc. No. 1) against the DOI and the BIA, and Counts III and VI against the United States of America, the DOI, and the BIA. (*See* Doc. No. 18.)

The Court has reviewed Johns's and the Defendants' submission. Because the document is joint in nature, the Court construes it as a stipulation for dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Therefore, based on the Parties' agreement, IT IS HEREBY ORDERED that:

1. Counts I and II of the Complaint (Doc. No. 1) are dismissed, without prejudice, as to Defendants United States Department of the Interior and Bureau of Indian Affairs;
2. Counts III and IV of the Complaint (Doc. No. 1) are dismissed, without prejudice, as to Defendants United States of America, United States Department of the Interior, and Bureau of Indian affairs;
3. Because no claims remain against Defendants United States Department of the Interior and Bureau of Indian affairs, those parties will be dismissed; and
4. Each party shall bear their own costs and attorneys' fees.

Dated: July 30, 2024

/s/ Jeffrey M. Bryan
Judge Jeffrey M. Bryan
United States District Court